

**Notice of Allowability**

Application No.

09/841,756

Examiner

Robert W. Morgan

Applicant(s)

SCHOENBAUM ET AL.

Art Unit

3626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/20/07.
2. ☒ The allowed claim(s) is/are 7-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Robert Morgan  
Primary Examiner  
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## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to the amendments filed 5/29/07 and 8/20/07. Claims 7-13 and 19-25 are presented for examination.
2. The rejections under 35 U.S.C. 101, 35 U.S.C. 112, first paragraph and second paragraph and 35 USC 102(e) are withdrawn by the Examiner based on the changes made by Applicants to the claims.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan M. Lenkin on August 21, 2007.

The application has been amended as follows:

Claim 23, page 7, line 5 the word "t he" has been changed to "the".

Now, Claims 7-13 and 19-25 are presented for examination.

### ***Allowable Subject Matter***

4. Claims 7-13 and 19-25 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the allowance of claim 7 is the inclusion of the limitation in the claims, which is not found in the prior art references, of a method for calculating optimal flexible savings account

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contributions for a particular user, comprising the steps of: formulating a dynamic programming model based on a consumer's objective function comprising a utility function, said dynamic programming model incorporation health plan parameters; exogenous parameters, preference parameters, and a health transition equation; solving the dynamic programming model by numerical calculation methods for optimal flexible spending account contributions for a particular user in one or more particular health plans (or no health insurance), with the assigned exogenous parameters, the estimated risk aversion and with the estimated values for the preference parameters and outputting the optimal contributions, the optimal contributions reducing loss of unspent money at the end of a year.

The primary reasons for the allowance of claim 8 is the inclusion of the limitation in the claims, which is not found in the prior art references, of is the inclusion of a computer-based method for calculating optimal flexible savings account (FSA) contributions comprising the steps of: calculating optimal FSA contributions based upon a consumer's objective function which maximizes expected future utility (EU).

The primary reasons for the allowance of claim 19 is the inclusion of the limitation in the claims, which is not found in the prior art references, of is the inclusion of a system for calculating optimal flexible savings accounts contribution comprising: an algorithm executed by the computer for estimating the optimal flexible spending account contribution solved by numerical calculation for optimal flexible account contribution for a particular user with assigned exogenous parameters and with said estimated preference values, the optimal contributions reducing loss of unspent money at the end of a year.

The primary reasons for the allowance of claim 20 is the inclusion of the limitation in the claims, which is not found in the prior art references, of is the inclusion of a computer readable medium storing a program – calculating optimal flexible savings account contributions comprising: a numerical model code segment comprising a consumer's objective function which maximizes expected future utility to determine the optimal flexible spending plan contribution so that forfeiture of unspent money at the end of a year is reduced.

5. While the closest prior art (Kenna et al., U. S. Patent No. 7,133,840) Kenna et al. teaches computer system for managing a plurality of accounts and at least one subaccount being a medical saving account (MSA) (see: abstract). In addition, Kenna et al. teaches that money for the MSA may come from the subscriber's employer, a professional associated to which the account-holder belongs, or the from the subscriber himself (see: column 8, lines 53 to column 13, lines 24). Furthermore, Kenna et al. teaches that funds may be pre-funded at the beginning of a plan year or periodic contributions may be made during the year (see: column 13, lines 10-18). Kenna et al. fail to teach method for calculating optimal flexible savings account contributions for a particular user, comprising the steps of: formulating a dynamic programming model based on a consumer's objective function comprising a utility function, said dynamic programming model incorporation health plan parameters; exogenous parameters, preference parameters, and a health transition equation; solving the dynamic programming model by numerical calculation methods for optimal flexible spending account contributions for a particular user in one or more particular health plans (or no health insurance), with the assigned exogenous parameters, the estimated risk aversion and with the estimated values for the preference parameters and

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outputting the optimal contributions, the optimal contributions reducing loss of unspent money at the end of a year.

Originally numbered claims 10-13 and 21-25 are dependent on originally numbered claims 8 and 20; respectively and therefore incorporate the allowable features of originally numbered claims 7, 8, 19 and 20 through dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (WO 02/077764) Gupta teaches a system and method for management for consumer services such as health care services which combines new financial structure for health insurance and health benefit plan, payment method, health plan design and etc...

In related art (Medical savings account) Hildebrand discloses a view of medical savings accounts as a way to lower health-care costs by giving the financial reins to consumers.

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure as background material and is not of particular significance. These prior art patents fail to teach or fairly suggest a method for calculating optimal flexible savings account contributions for a particular user, comprising the steps of: formulating a dynamic programming model based on a consumer's objective function comprising a utility function, said dynamic

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programming model incorporation health plan parameters; exogenous parameters, preference parameters, and a health transition equation; solving the dynamic programming model by numerical calculation methods for optimal flexible spending account contributions for a particular user in one or more particular health plans (or no health insurance), with the assigned exogenous parameters, the estimated risk aversion and with the estimated values for the preference parameters and outputting the optimal contributions, the optimal contributions reducing loss of unspent money at the end of a year.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert Morgan

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Primary Examiner  
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